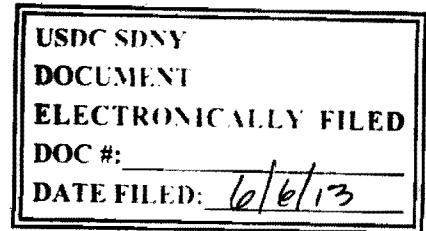


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
BASIL COCHEEKARAN,

Petitioner,

-v-

PHILIP HEATH,

Respondent.
-----X

12 Civ. 4140 (PAE)(GWG)

OPINION & ORDER

PAUL A. ENGELMAYER, District Judge:

On May 24, 2012, petitioner Basil Cocheekaran filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Dkt. 1. He challenges his 2007 conviction in New York State Supreme Court, Bronx County, pursuant to a guilty plea, for criminal sale of a firearm in the first degree. Cocheekaran argues that he received ineffective assistance of counsel in connection with his guilty plea.

On May 29, 2012, the Court referred the action to Magistrate Judge Gabriel Gorenstein for a Report and Recommendation. Dkt. 2. On May 3, 2013, Judge Gorenstein issued his Report and Recommendation to this Court, Dkt. 10 (the "Report"), recommending that this Court deny the petition. Although the Report notified the parties that they have 14 days from service of the Report to serve and file any objections, Cocheekaran, who is represented by counsel, filed no objections.

In reviewing the Report, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C).

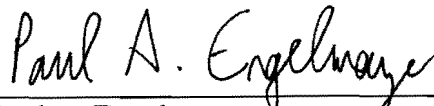
"To accept the report and recommendation of a magistrate, to which no timely objection has

been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Urena v. People of the State of New York*, 160 F. Supp. 2d 606, 609–610 (S.D.N.Y. 2001) (citing *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Having reviewed the Report, the Court finds no clear error. Quite the contrary, the Report is thorough and well-reasoned. The Court therefore accepts and adopts the Report. The Clerk of Court shall dismiss this petition and close the case.

In addition, the Court declines to issue a certificate of appealability. Cocheekaran has not made a substantial showing of a denial of a federal right, and appellate review is therefore not warranted. *See* 28 U.S.C. § 2253(c); *Love v. McCray*, 413 F.3d 192, 195 (2d Cir. 2005). The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). Finally, Cocheekaran has waived his right to appeal by failing to file timely objections. *See Caidor v. Onondaga County*, 517 F.3d 601, 604 (2d Cir. 2008).

SO ORDERED.


Paul A. Engelmayer
United States District Judge

Dated: June 6, 2013
New York, New York